

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 61
AGENDA DATE: Thu 09/01/2005
PAGE: 1 of 1

SUBJECT: C14-05-0070 - T. Warren Investments - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3320-3404 South FM 973 Road (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to public-conditional overlay (P-CO) combining district zoning with conditions. First reading approved on June 23, 2005. Vote: 7-0. Applicant: T. Warren Investments, Inc. (Thomas G. Warren). Agent: Chartwell Interests, Inc. (Timothy Merriweather). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0070

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3320 – 3404 South FM 973 (Colorado River Watershed) from interim –rural residence (I-RR) district zoning to public (P) district zoning, with conditions. The Conditional Overlay limits development of the property to 2,000 motor vehicle trips per day.

DEPARTMENT COMMENTS:

Transportation staff supports a waiver to the requirement to dedicate right-of-way for the re-alignment of FM 973, as provided in Attachment A.

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: T. Warren Investments (Thomas G. Warren)

AGENT: Chartwell Interests, Inc. (Timothy Merriweather)

DATE OF FIRST READING: June 23, 2005, approved P-CO district zoning, on 1st Reading (7-0).

CITY COUNCIL HEARING DATE: September 1, 2005

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



City of Austin

Founded by Congress, Republic of Texas, 1839
Watershed Protection and Development Review Department
P.O. Box 1088, Austin, Texas 78767

August 23, 2005

Tim Merriweather
Chartwell Interests, Inc.
11605 Broad Oaks Drive
Austin, Texas 78759

RE: Reservation and Dedication of Right-of-Way Variance Approval
T. Warren Investments
Zoning Case C14-05-0070

Dear Mr. Merriweather:

The City of Austin Transportation staff has reviewed your variance request to not dedicate right-of-way for FM 973 as required by the Land Development Code. After further review of the site and criteria set forth in the Land Development Code and State Law the variance request is approved.

Approval of the variance request is based on the following factors:

- The alignment provided by the Texas Department of Transportation divides the property, which impacts the site significantly more than the original alignment that was shown along the frontage of the property.
- Based on City calculations, your pro rata share of the cost of right of way for FM 973 was determined to be approximately \$273,230. According to your figures, the estimated damages to your property incurred because of the realignment of FM 973 would be approximately 1.49 million dollars. Based on these figures we have determined that it is appropriate to waive the right-of-way requirements established in the Roadway Plan.

Please contact me if you have any questions at 974-2788.

Sincerely,

Emily M. Barron
Sr. Planner - Transportation Review Staff
City of Austin - Watershed Protection and Development Review Department

Cc: Wendy Walsh, COA - NPZD
Joe Seago, TXDOT

Attachment A

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0070

Z.P.C. DATE: June 7, 2005

ADDRESS: 3320 – 3404 South FM 973 Road

OWNER: T. Warren Investments, Inc.
(Thomas G. Warren)

AGENT: Chartwell Interests, Inc.
(Timothy Merriweather)

ZONING FROM: I-RR

TO: P-CO

AREA: 6.750 acres

SUMMARY STAFF RECOMMENDATION (Revised on August 9, 2005):

The staff's recommendation is to grant public – conditional overlay (P-CO) combining district zoning. The Conditional Overlay limits the development of the property to 2,000 trips per day.

ZONING & PLATTING COMMISSION RECOMMENDATION:

June 7, 2005: *APPROVED STAFF RECOMMENDATION OF P-CO DISTRICT ZONING, SUBJECT TO STAFF DETERMINATION OF THE RIGHT-OF-WAY DEDICATION AND RESERVATION REQUIREMENTS ON FM 973, AND THESE REQUIREMENTS TO BE MET PRIOR TO FINAL READING AT CITY COUNCIL.*

[J. MARTINEZ, J. GOHIL – 2ND] (9-0)

ISSUES:

Transportation staff supports a waiver to the requirement to dedicate right-of-way for the realignment of FM 973, as provided in Attachment A.

DEPARTMENT COMMENTS:

The subject two lots consist of a residential treatment facility, a transitional housing facility and undeveloped land. Both lots are zoned interim – rural residence (I-RR) district and access is taken to FM 973. The property borders on a used manufactured home sales use; undeveloped land and service station with convenience store to the north (I-RR, GR, GR-CO); a church and Del Valle ISD offices and facilities to the east; a vehicle storage use and Travis County community center and correctional facility to the south; and undeveloped property and a car wash to the west (I-RR and County). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The existing facilities accommodate 210 residents and the Applicant seeks to expand the facilities on the west side of the property to accommodate an additional 126 residents, for a build-out resident capacity of 336. The Applicant proposes to zone the lots to the public (P) district as the facilities will be operated by a private company on private land for the direct benefit of the State of Texas (Department of Corrections) to incarcerate individuals for the

State. The facilities meet the definition of Detention Facility, a civic use: "the use of a site for the provision by a public agency of housing and care for legally confined individuals", and the appropriate zoning district for this use is P, Public. Because the proposed expansion area is greater than one acre, both the residential treatment and transitional housing uses would be conditional and a conditional use permit requires review by the Commission.

Public zoning for the civic uses described is compatible with the surrounding commercial uses as well as the civic uses that have been established adjacent and to the south. The Conditional Overlay establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Residential treatment; Transitional housing; Undeveloped
<i>North</i>	Unzoned	Sales of used manufactured homes; Convenience store with gas sales; Car wash
<i>South</i>	I-RR; County	Vehicle maintenance and storage; Community recreation center; Community center; Sports complex; Correctional facility
<i>East</i>	SF-2; DR; Out of City	Church; Del Valle ISD and community center; Undeveloped
<i>West</i>	I-RR; CS-CO	Undeveloped; Car wash; Convenience store with gas sales

AREA STUDY: N / A

TIA: Is not required

WATERSHED: Colorado River

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

511 – Austin Neighborhoods Council

627 – Onion Creek Homeowners Association

SCHOOLS:

This site is served by the Del Valle Independent School District.

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0085	I-RR to CS	To Grant CS-CO w/conditions	Approved CS-CO w/conditions (1/27/00).
C14-99-2052	DR; UNZ; I-SF-	To Grant LI-PDA	Approved LI-PDA (9-

	2; I-RR to LI-PDA		28-00).
C14-01-0027	I-SF-2 to GR	To Grant GR-CO	Approved GR-CO w/conditions (4-19-01).
C14-01-0075	I-SF-2 to GR	To Grant GR-CO w/conditions	Approved GR-CO w/conditions (7-19-01).
C14-01-0103	I-RR to LI	Withdrawn by applicant	Not applicable
C14-03-0047A	I-RR to GR	To Grant GR-CO	Approved GR (6-5-03).
C14-03-0047B	I-RR to GR	To Grant GR-CO	Approved GR-CO with CO for 2,000 trips (6-5-03).

RELATED CASES:

This property was annexed into the Full-Purpose Jurisdiction on September 6, 2001.

As shown in Exhibit B, the rezoning area is platted as Lots 3A and 3B of the Resubdivision of Lot 3, Joseph Addition, recorded on March 9, 2000 (C8-99-0140.0A). An approved "D" Site Plan known as "Travis County Detox and Treatment Facility" for three dormitories and six detox units, a mentor unit, a multi-purpose room and a kitchen was released on March 26, 1997 (SP-97-0019D). Please refer to Exhibit C.

For information: All residents are referred clients from the justice system (compared with a treatment center that allows for voluntary check in). The residential treatment portion is for clients who have committed alcohol and / or drug offenses and this is the final part of their treatment before they re-enter the community at large. The transitional housing portion are clients from the Texas Department of Criminal Justice who have been paroled, but do not have a place to stay. The Avalon Treatment Center provides assistance in locating jobs and apartments.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
FM 973	100 feet	30 feet	Arterial	12,000 (1999)

- Capital Metro bus service is available along FM 973.

CITY COUNCIL DATE: June 23, 2005

ACTION: Approved P-CO district zoning as ZAP Commission recommended, on 1st Reading (7-0).

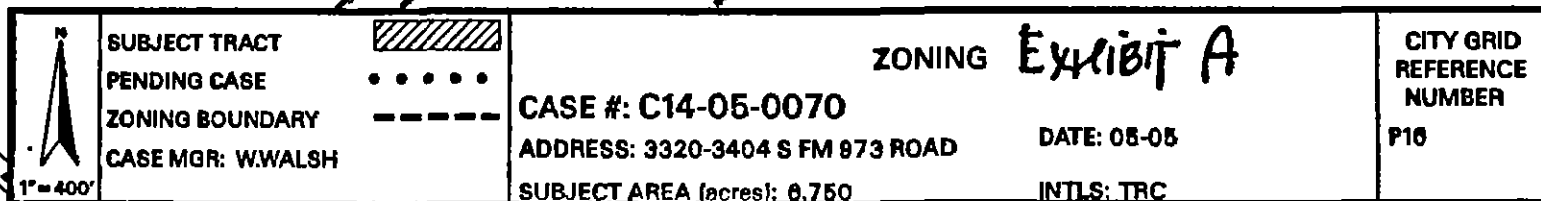
September 1, 2005

ORDINANCE READINGS: 1st June 23, 2005 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

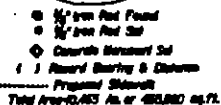
PHONE: 974-7719





Received November 11, 2009

SCALE: 1" = 100'



Line Table

Line	Bearing	Distance
●	S44°30'25"W	15.87
●	S44°30'25"W	15.87

BENCHMARK U.S.G.S. Monument No. W-1221 located at the Southeast corner of the intersection of FM 973 and State Highway No. 71. Elevation=652.84 ft.

BENCHMARK: Railroad Spike in power pole at southwest corner of Lot 3C Elevation: 673.2 ft.

LOT 3

**MORGAN SUBDIVISION
VOLUME #4 PAGE #18**

**Travis County
(129.35 Acres)
5314/1084**

ACCEPTED AND AUTHORIZED FOR RECORD by the Director, Development Review and Inspection Department, City of Austin, County of Travis, this the 25 day of FEBRUARY, 2004 A.D.

Development Review and Inspection Department

ACCEPTED AND AUTHORIZED FOR RECORD by the Planning Commission of the City of Austin on the 1st day of February, 2008 10 01

Art Jarama Ray S. Kunkle
Chairperson Secretary

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

THE COUNTY OF THAVIS
L. J. Leroy

I, J. Larry Bush, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the City of Austin Land Development Code and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

[Signature]
J. Leroy Bower
Reg. Professional Surveyor No. 1020
BUSH SURVEYING, INC.
1904 Fairview Road
Austin, Texas 78764

8-31-99
Date

THE STATE OF TEXAS -
THE COUNTY OF TRAVIS -

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify

The County of DeWitt, State of Texas, do hereby certify
 that the foregoing instrument of Writing and its Certificate of Authentication
 was filed for record in my office on the 11th day of March, 2000
 A.D., at 11:00 o'clock A.M. and duly recorded on the 11th day of March,
2000 A.D., at 11:00 o'clock A.M. in Document no. 2000003
 of the Official Records of Travis County, Texas.
 WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THIS
9th day of March, 2000 A.D.

DANA DEBEAUVON, COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED FOR RECORD at 4:06 o'clock P.M., this the 9th day of MAY 1962 AD

DATA RECOVERY CLERK OF TRAVIS COUNTY TEXAS

100

BURN SURVEYING, INC.
1904 FORTVIEW BOAR
AUSTIN, TX 78704
(512) 442-0000

I do hereby certify that the engineering work being submitted herein complies with all provisions of the Texas Engineering Practice Act, including Section 131.63 (c). I hereby acknowledge that any misrepresentation regarding this certification constitutes a violation of the Act and may result in criminal and/or administrative penalties against me as prescribed by the Act.

[Signature]
 (Signature of responsible engineer) Texas P.E. no.

DISCLOSURE NOTES

The 100-year flood plain is contained within the drainage easement as shown hereon. No portion of this tract is within the designated flood hazard area as shown on the Federal Flood Insurance Administration Map No. 8 48124 0120 E. Travis County, Texas, dated June 14, 1993.

As checked by: Troy Umman
Troy Umman, P.E.
840877

12-17-99

EXHIBIT B
RECORDED
PLAT

Page 1 of 2

CB-99-0140.0A

200000073

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS:

That Southwest Community Development Corporation, acting herein by and through Thomas G. Warren, President, owner of 3.525 acres of Lot 3, Joseph Addition, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Volume 79, Pages 329-330 of the Plat Records of Travis County, Texas, as conveyed to it by deed recorded in Volume 13026, Page 1143-1145 of the Real Property Records of Travis County, Texas,

and that T. Warren Investments, Inc., acting herein by and through Thomas G. Warren, President, owner of 6.940 Acres of Lot 3, of said Joseph Addition as conveyed to it by deed recorded in Volume 11868 Page 2143 of the Real Property Records of Travis County, Texas,

said Lot 3 comprising 10.465 Acres or 455,860 Square Feet of land,

said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.015 of the Local Government Code, do hereby resubdivide said Lot 3 in accordance with the attached plat to be known as RESUBDIVISION OF LOT 3, JOSEPH ADDITION, and do hereby dedicate to the Public use of the streets and easements as shown hereon subject to any easements and/or restrictions heretofore granted and not released.

WITNESS MY HAND this the 26 day of March, 1999, A.D.

Thomas G. Warren
Thomas G. Warren, President
Southwest Community Development Corporation
P.O. Box 9269
The Woodlands, Texas 77387-9267

WITNESS MY HAND this the 26 day of March, 1999, A.D.

Thomas G. Warren
Thomas G. Warren, President
T. Warren Investments
P.O. Box 9269
The Woodlands, Texas 77387-9267

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, the undersigned authority, on this the 26 day of March, 1999, A.D., did personally appear Thomas G. Warren, known to me to be the person whose name is subscribed to the foregoing instrument of writing, and he acknowledged before me that he executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC
Printed Name David L. McKeon
Commission Expires 02-15-2000

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Dana Debeauvoir, Clerk of the County Court of Travis County, Texas, do hereby certify that on the 15 day of February, A.D. 2000, the Commissioners' Court of Travis County, Texas, passed an order authorizing the filing for record of this plat and that said order was duly entered in the minutes of said Court, in Document No. 2000-3444 of the Official Records of Travis County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE of the County Court of said County, this the 9 day of March, A.D. 2000

DANA DEBEAUVOIR, CLERK, COUNTY COURT
TRAVIS COUNTY

by M. L. McKeon
Deputy

In approving this plat, the Commissioners Court of Travis County, Texas, assumes no obligation to build the streets, roads, and other public thoroughfares shown on this plat or any bridges or culverts in connection therewith. The building of all streets, roads, and other public thoroughfares shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, roads, or public thoroughfares or in connection therewith, is the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with plans and specifications prescribed by the Commissioners Court of Travis County, Texas.

The Owner(s) of the subdivision shall construct the subdivision's street and drainage improvements (the improvements) to County standards in order for the County to accept the public improvements for maintenance or to release fiscal security posted to secure private improvements. To secure this obligation, the Owner(s) must post fiscal security with the County in the amount of the estimated cost of the improvements. The Owner(s) obligation to construct the improvements to County standards and to post the fiscal security to secure such construction is a continuing obligation binding on the Owner(s) and their successors and assigns until the private improvements have been accepted for maintenance by the County, or the private improvements have been constructed and are performing at County standards.

The authorization of this plat by the Commissioners Court for filing or the subsequent acceptance for maintenance by Travis County, Texas, of roads and streets in the subdivision does not obligate the County to install street name signs or erect traffic control signs, such as speed limit, stop signs, and yield signs, which is considered to be a part of the developer's construction.

This subdivision is located within the 2 mile S.W. 1/4 of the City of Austin on this 26 day of February, 2000

23. Owners of Lots 1A, 1B, and 1C are responsible for maintaining the community water quality and detention pond located on Lot 1A, as depicted in document no. 2000-3444.

HUGH SURVEYING, INC.
1804 FORTYFIVE ROAD
AUSTIN, TX 78704
(512) 448-0990

RESUBDIVISION OF LOT 3, JOSEPH ADDITION

Prepared November 11, 1998

THE STATE OF TEXAS
THE COUNTY OF TRAVIS

I, Troy R. Umann, P.E., am authorized to practice the profession of civil engineering in the State of Texas, and hereby certify that the engineering portions of this plat comply with Title 25 of the Code of the City of Austin

Land Development Code

Troy R. Umann
Troy R. Umann, P.E. No. 45927
Umann Engineering, Inc.
7705 Capital of Texas Hwy., South Suite 207
Austin, TX 78748



NOTES

1. No lot in this subdivision shall be occupied until connected to the City of Austin water and wastewater systems.
2. All water and wastewater improvements must be in accordance to City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Water and wastewater systems serving this subdivision shall be installed in accordance with the City of Austin and State of Texas Health Department plans and specifications. Plans and specifications shall be submitted to the City of Austin Water and Wastewater Utility Department for review.
4. All restrictions from the previous existing subdivision, Joseph Addition, apply to this plat.
5. DETENTION Prior to construction on these lots, drainage plans will be submitted to the City of Austin Engineering Department for approval. Rainfall run-off shall be held to the amount existing at undeveloped status by use of ponding or other approved methods.
6. All drainage easements on private property shall be maintained by the property owner, or his assigns.
7. Property owner shall provide for access to drainage easements as may be necessary and shall not prohibit access by governmental authorities.
8. The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or replatting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
9. Prior to construction, except detached single family on any lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
10. All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
11. Austin Energy has the right to prune and/or remove trees, shrubbery and other obstructions to the extent necessary to keep the easements clear. Austin Energy will perform all tree work in compliance with Chapter 25-8, Subchapter B of the City of Austin Land Development Code.
12. The owner/developer of this subdivision/lot shall provide Austin Energy with any easement and/or access required, in addition to those indicated, for the installation and ongoing maintenance of overhead and underground electric facilities. These easements and/or access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with Chapter 25-8 of the City of Austin Land Development Code.
13. Any Electric Utility activity inside the subdivision shall be included under the general development permit by the owner of the Subdivision. The permit noted above may be either a site development permit, a subdivision improvements construction permit or the EUD general development permit.
14. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any tree pruning and tree removal that is within ten feet of the centerline of the overhead electrical facilities designed to provide electric service to this subdivision. Austin Energy work shall also be included within the limits of construction for this project.
15. Watershed Status: This resubdivision is located within the Colorado River Watershed, is classified as Suburban, and shall be developed, constructed, and maintained in conformance with the terms and conditions of Chapter 13-7, Article 1 of the City Land Development Code.
16. This resubdivision plat was approved and recorded before the construction and acceptance of streets and other subdivision improvements. Pursuant to the terms of a Subdivision Improvements Agreement between the subdivider and the City of Austin, dated March 2, 2000, the subdivider is responsible for the construction of all improvements needed to serve the lots within the subdivision. This responsibility may be assigned in accordance with the terms of that agreement. For the Subdivision Improvements Agreement pertaining to this resubdivision, see separate instrument recorded in Document no. 2000-3444 of the Official Records of Travis County, Texas.
17. There are no slopes exceeding 15% in this subdivision.
18. Driveway access to FM 973 is prohibited for all lots except for one point of access within the 60 ft. Joint Use access easement (60 ft. Joint Use Access Agreement recorded in Document no. 2000-3444 of the Official Property Records of Travis County, Texas).
19. Travis County development permit required prior to any site development.
20. Public sidewalks, built to City of Austin standards, are required along FM 973 and as shown by a dotted line on the face of the plat. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits or utility connections by the governing body or utility company.
21. Development of these lots is hereby restricted to uses other than single family residential uses.
22. No objects, including but not limited to, buildings, fences, or landscaping shall be allowed in drainage easements, except as approved by the City of Austin and Travis County.

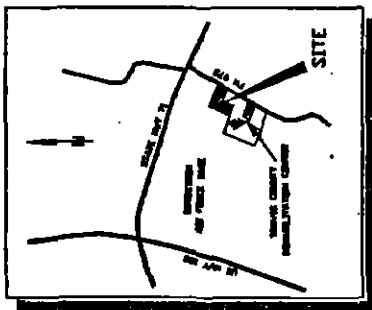
CB-99-0140.OA

3420 FM 973

1

1

LOCATION MAP

[illegible]

7. WARREN INVESTMENTS, INC.
P.O. BOX 9299
THE WOODLANDS, TX 77387
PH (713)292-0484
FAX (713)292-0263
COLORADO SPRING

LEADS: LOT 3, JOSEPH ADDITION
PLAT BOOK 79, PG 328-130
TRAVIS COUNTY PLAT RECORDS
FILING DATE: 7-21-80

105-20-10-301


[illegible]

QUESTIONS AND ANSWERS

THE PORTION OF THE TRACT IS WITHIN THE 100 YEAR FLOOD HAZARD AREA AS SHOWN ON THE FEDERAL FLOOD INSURANCE ADMINISTRATION'S FIRM MAP AND DEVELOPMENT (DATED JUNE 10, 1982)

THE NEW YORK PUBLIC LIBRARY

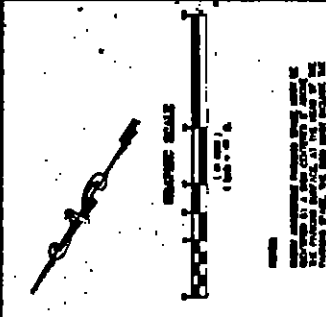
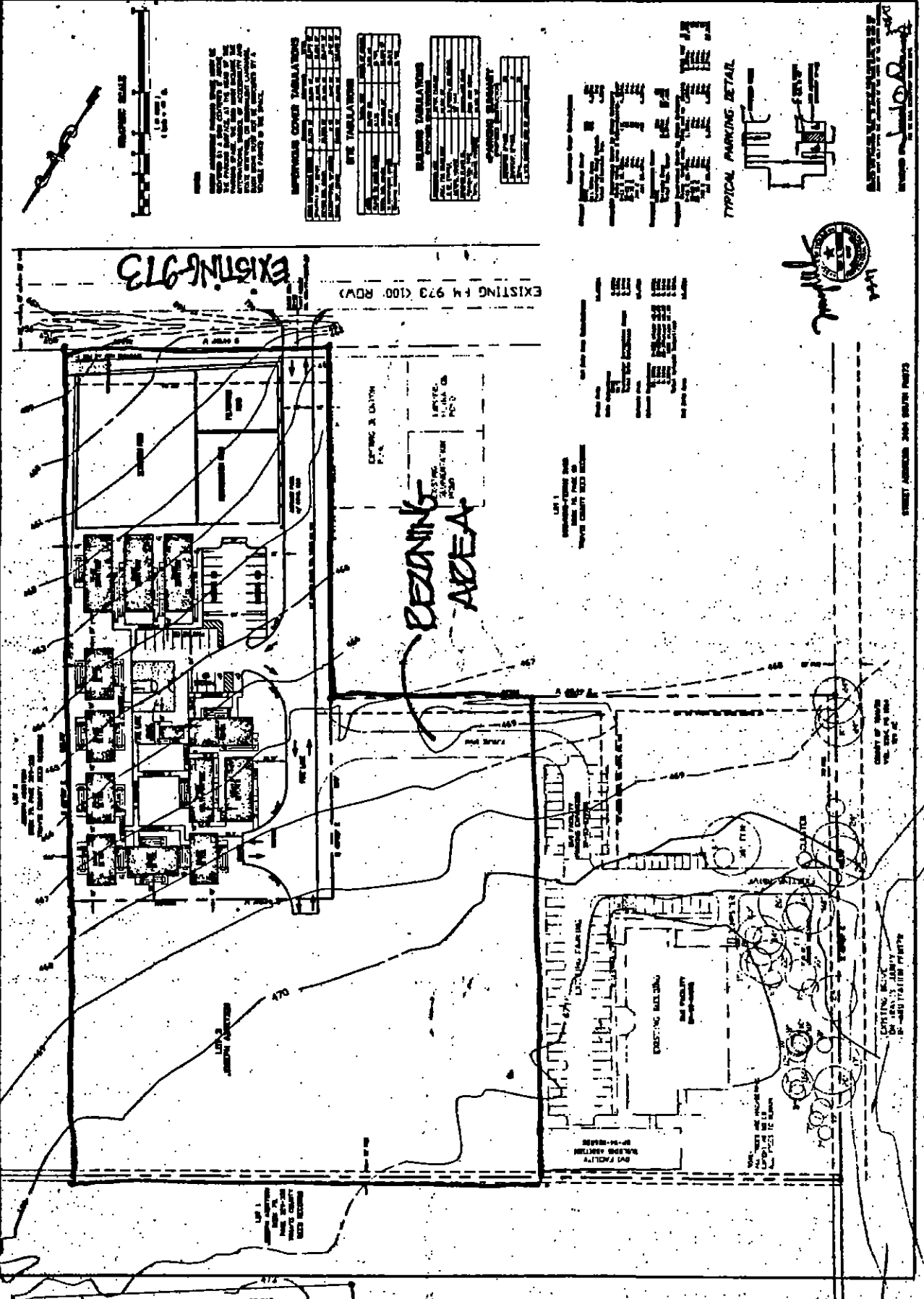
ALL RESPONSIBILITY FOR THE ACCURACY OF THESE PLANS REMAINS WITH THE DRAFTER WHO PREPARED THEM. IT APPEARS HERE THAT THE CITY OF ALBUQUERQUE HAS A LARGE AND GROWING DEPARTMENT OF THE WATER AND SEWERAGE DIVISION.

RECEIVED BY 	JANUARY 17, 1967 LUNAS, TEXAS SUBMITTER, DATE
FOR THE CITY OF AMES APPROVED BY <i>James O. Deane</i>	DATE 1-17-67
DEVELOPMENT SERVICE UNIT 22-27-00000	DATE 1-17-67
THE PLANNING AND ZONING DEPT. APPROVED BY <i>Don D. ...</i>	DATE 1-17-67
FOR TRAVIS COUNTY APPROVED BY <i>Don D. ...</i>	DATE 1-17-67
THE PLANNING AND ZONING DEPT. APPROVED BY <i>Don D. ...</i>	DATE 1-17-67
FOR THE STATE OF TEXAS 010-00-00000-00 DEPARTMENT OF TRANSPORTATION, PUBLIC WORKS	DATE 1-17-67

Mr. Tolson, having no objection, the court adjourned until 10:30 a.m. on Tuesday, June 12, 1967.

[illegible]

EXHIBIT C
APPROVED
"D"
SITE PLAN



IMPROVED CONC. TABULATIONS

ITEM	QTY	UNIT	PRICE	TOTAL
CONCRETE	100	YD	1.50	150.00
REINFORCING	100	YD	1.50	150.00
FORMWORK	100	YD	1.50	150.00
PAINT	100	YD	1.50	150.00
LABOR	100	YD	1.50	150.00
TOTAL				750.00

PIPE TABULATIONS

ITEM	QTY	UNIT	PRICE	TOTAL
PIPE	100	YD	1.50	150.00
MANHOLE	100	YD	1.50	150.00
LABOR	100	YD	1.50	150.00
TOTAL				450.00

SEWER TABULATIONS

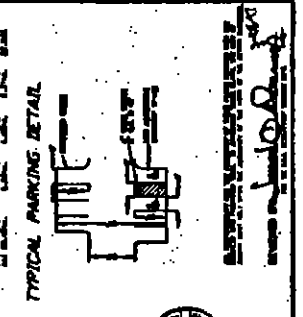
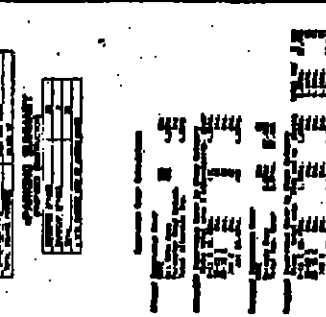
ITEM	QTY	UNIT	PRICE	TOTAL
SEWER	100	YD	1.50	150.00
LABOR	100	YD	1.50	150.00
TOTAL				300.00

WATER TABULATIONS

ITEM	QTY	UNIT	PRICE	TOTAL
WATER	100	YD	1.50	150.00
LABOR	100	YD	1.50	150.00
TOTAL				300.00

CONCRETE TABULATIONS

ITEM	QTY	UNIT	PRICE	TOTAL
CONCRETE	100	YD	1.50	150.00
LABOR	100	YD	1.50	150.00
TOTAL				300.00



SUMMARY STAFF RECOMMENDATION (Revised on August 9, 2005):

The staff's recommendation is to grant public – conditional overlay (P-CO) combining district zoning. The Conditional Overlay limits the development of the property to 2,000 trips per day.

BACKGROUND

The subject two lots consist of a residential treatment facility, a transitional housing facility and undeveloped land. Both lots are zoned interim – rural residence (I-RR) district and access is taken to FM 973. The property borders on a used manufactured home sales use; undeveloped land and service station with convenience store to the north (I-RR, GR, GR-CO); a church and Del Valle ISD offices and facilities to the east; a vehicle storage use and Travis County community center and correctional facility to the south; and undeveloped property and a car wash to the west (I-RR and County).

The existing facilities accommodate 210 residents and the Applicant seeks to expand the facilities on the west side of the property to accommodate an additional 126 residents, for a build-out resident capacity of 336. The Applicant proposes to zone the lots to the public (P) district as the facilities will be operated by a private company on private land for the direct benefit of the State of Texas (Department of Corrections) to incarcerate individuals for the State. The facilities meet the definition of Detention Facility, a civic use: "the use of a site for the provision by a public agency of housing and care for legally confined individuals", and the appropriate zoning district for this use is P, Public. Because the proposed expansion area is greater than one acre, both the residential treatment and transitional housing uses would be conditional and a conditional use permit requires review by the Commission.

Public zoning for the civic uses described is compatible with the surrounding commercial uses as well as the civic uses that have been established adjacent and to the south. The Conditional Overlay establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

P, Public District, zoning is intended to accommodate uses of a governmental, civic, public service, or public institutional nature, including major public facilities. This district is intended for properties, used, reserved, or intended to be used for a civic or public institutional purpose or for major public facilities. The proposed zoning of the property to accommodate the existing and proposed uses of residential treatment and transitional housing facilities is consistent with the purpose statement of the district sought.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

Public zoning for the civic uses described is compatible with the surrounding commercial uses as well as the civic uses that have been established adjacent and to the south. The Conditional Overlay establishes a maximum number of daily vehicle trips that will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The subject property consists of a transitional housing facility, a residential treatment facility and undeveloped land on the west side. The site is relatively flat and there appear to be no significant topographical constraints on the site.

Impervious Cover

The maximum impervious cover allowed by the P zoning district is established by a conditional use site plan.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Colorado River Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- **Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.**

Transportation

The Austin Metropolitan Area Transportation Plan calls for a total of 140 feet of right-of-way for FM 973. If the requested zoning is granted, then 70 feet of right-of-way should be dedicated from both sides of the future centerline of FM 973 in accordance with the Transportation Plan where the road is completely within the boundaries of this site. [LDC, Sec. 25-6-51 and 25-6-55) Please refer to Waiver to the requirement to dedicate right-of-way for the re-alignment of FM 973, as provided in Attachment A.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility relocation, and utility adjustment to serve the site and land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the associated City fees.

Compatibility Standards

The rezoning application does not trigger the application of compatibility standards. The property is located within the Controlled Compatible Use Area. This is the area within 1 ½ miles from the airport runway. As discussed with Airport staff, land uses cannot create electrical interference with navigational signals or radio communications between airport and aircraft; make it difficult for pilots to distinguish between the airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or, otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. For more information, contact Joe Medici, Noise Abatement Officer at (512) 530-6652.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 3320-3404 SOUTH F.M. 973 ROAD AND CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO PUBLIC-CONDITIONAL OVERLAY (P-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2491 of the City Code is amended to change the base district from interim rural residence (I-RR) district to public-conditional overlay (P-CO) combining district on the property described in Zoning Case No. C14-05-0070, on file at the Neighborhood Planning and Zoning Department, as follows:

Lots 3A and 3B, Resubdivision of Lot 3, Joseph Addition, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Document No. 200000073, of the Official Public Records of Travis County, Texas, (the "Property")

locally known as 3320-3404 South F.M. 973 Road, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the public (P) base district and other applicable requirements of the City Code.

1 **PART 3.** This ordinance takes effect on _____, 2005.

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3 **PASSED AND APPROVED**

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6
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8 _____, 2005

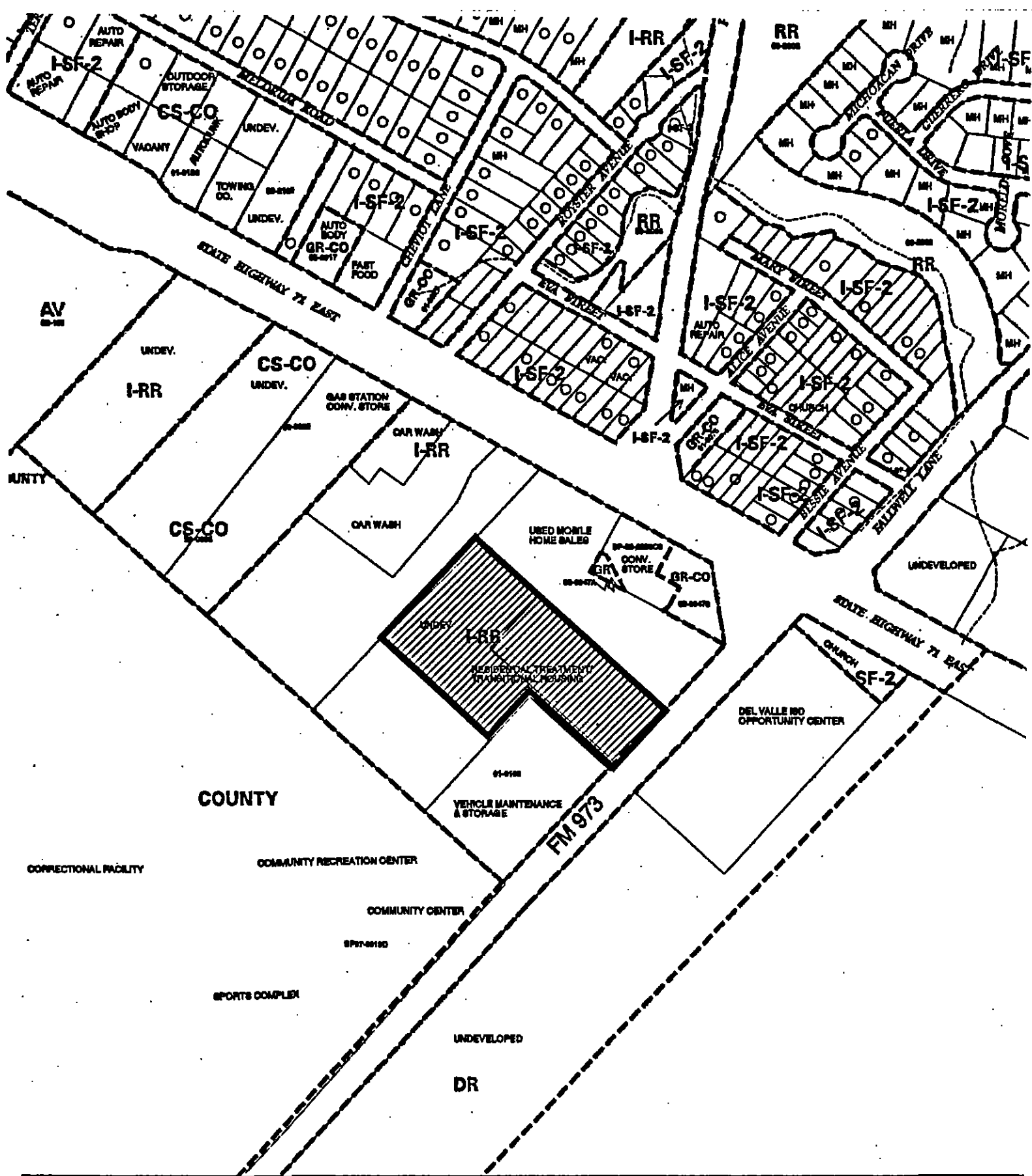
9
10 Will Wynn
11 Mayor

12
13 **APPROVED:** _____

14 David Allan Smith
15 City Attorney

ATTEST: _____

Shirley A. Brown
City Clerk



	<p>SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: W.WALSH</p>	<p align="center">ZONING EXHIBIT A</p> <p>CASE #: C14-05-0070 ADDRESS: 3320-3404 S FM 973 ROAD SUBJECT AREA (acres): 0.750</p> <p>DATE: 05-08 INTLS: TRC</p>	<p>CITY GRID REFERENCE NUMBER P16</p>
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